



IPW

Docket No.: 10493.003.00-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
KUSUI, Jun, et al.

Customer No.: 30827

Application No.: 10/556,527

Confirmation No.: 8872

Filed: October 20, 2006

Art Unit: 3663

For: ALUMINUM-BASED NEUTRON ABSORBER  
AND METHOD FOR PRODUCTION  
THEREOF

Examiner: Ricardo J. Palabrica

**MS Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

In response to the Restriction Requirement set forth in the Office Action mailed January 18, 2008, Applicant hereby provisionally elects Group I, claims 1-9, drawn to a product, with traverse.

Further, in response to the election requirement set forth in the Action, Applicants hereby provisionally elect with traverse Group I, Species A2 (claims 1-9); Group I, Species "Mn" in B (claims 1-9); Group I, Species "Mg" in C (claims 1-9); Group I, Species D2 (claims 1-9); Group I, Species E1 (claims 1-9). Applicant notes that the Office stated that claim 1 is generic to Group I and claim 10 is generic to Group II. Applicant's election is made without prejudice.

Applicant respectfully traverses the assertion by the Office that the inventions of Group I and Group II do not relate to a single general inventive concept because they lack the same or corresponding technical features. The Office asserts that claim 10 does not define over the teachings in the prior art. Applicant does not admit to the assertions by the Office and further submits that the assertions are irrelevant.

Applicant respectfully draws the Examiner's attention to 37 C.F.R. §1.475(b)(1), which states:

(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(1) A product and a process specially adapted for the manufacture of said product.

The inventions of Group I, drawn to a product, and Group II, drawn to a process, fall within the combination of categories stated in 37 C.F.R. §1.475(b)(1). Thus, both Groups have unity of invention and are linked by a single general inventive concept. Accordingly, the restriction is not proper.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: February 13, 2008

Respectfully submitted,

By

  
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